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MAILED

AUG 16 2010
OFFICE OF PETITIONS

In re Application :
Levy :
Application No. 10/563,207 : PATENT TERM ADJUSTMENT
Filing or 371(c) Date: April 19, 2006 :
Dkt. No.: 3165-140 :

This is in response to the "PETITION TO CORRECT PATENT TERM ADJUSTMENT UNDER," filed March 1, 2010. This matter is being properly treated under 37 CFR 1.705(b).

The request for reconsideration of patent term adjustment is **GRANTED**.

Applicant submits that the correct patent term adjustment to be indicated on the patent is 285 days, not 213 days as calculated by the Office as of the mailing of the initial determination of patent term adjustment mailed February 17, 2010. Applicants contest the adjustment of 207 days under 37 CFR 1.702(a)(1) and assert that the correct period of adjustment in this regard is 279 days.

A review of the record reveals that the instant application fulfilled the requirements of 35 USC 371 on April 19, 2006, the date the last of the requirements under 35 USC 371(c) were met by submission of a declaration. Accordingly, the period of adjustment pursuant to 37 CFR 1.703(a)(1) commenced June 20, 2007, the day after the date that is 14 months after the date that the application fulfilled the requirements of 35 USC 371, and ended March 24, 2008, the date that the non-final Office action was mailed, or 279 days.

In view thereof, as of the time of allowance, the application is entitled to a patent term adjustment of 285 days, as argued, (302 days of adjustment pursuant to 37 CFR 1.702 less 17 days of reduction pursuant to 37 CFR 1.704).

The \$200.00 patent term adjustment application required per 37 CFR 1.18(e) has been charged to the authorized deposit account.

The application file is being forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the

issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

Enclosure: Adjusted PAIR Calculation

Day : Monday
Date: 7/26/2010

PALM INTRANET

Time: 14:02:28

PTA Calculations for Application: 10/563207

Application Filing Date:	06/30/2006	PTO Delay (PTO):	230
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	17
Post-Issue Petitions:	0	Total PTA (days):	285
PTO Delay Adjustment:	72		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
65	07/26/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	279		
64	07/26/2010	ADJUSTMENT OF PTA CALCULATION BY PTO		207	
55	02/17/2010	MAIL NOTICE OF ALLOWANCE			
54	02/04/2010	ISSUE REVISION COMPLETED			
53	02/04/2010	DOCUMENT VERIFICATION			
52	02/04/2010	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
51	02/04/2010	CASE DOCKETED TO EXAMINER IN GAU			
50	01/25/2010	NOTICE OF ALLOWABILITY			
49	11/30/2009	ELECTRONIC REVIEW			
48	11/30/2009	EMAIL NOTIFICATION			
47	11/30/2009	EMAIL NOTIFICATION			
46	11/30/2009	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
45	11/30/2009	MAIL NON-FINAL REJECTION	23		41
44	11/23/2009	NON-FINAL REJECTION			
43	11/20/2009	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
42	09/14/2009	DATE FORWARDED TO EXAMINER			
41	07/07/2009	RESPONSE AFTER NON-FINAL ACTION		17	37
40	07/07/2009	REQUEST FOR EXTENSION OF TIME - GRANTED			
39	03/20/2009	ELECTRONIC REVIEW			
38	03/20/2009	EMAIL NOTIFICATION			
37	03/20/2009	MAIL NON-FINAL REJECTION			
36	03/16/2009	NON-FINAL REJECTION			
35	01/12/2009	DATE FORWARDED TO EXAMINER			
34	01/07/2009	AMENDMENT AFTER FINAL REJECTION			

33	10/10/2008	ELECTRONIC REVIEW			
32	10/10/2008	EMAIL NOTIFICATION			
31	10/09/2008	MAIL FINAL REJECTION (PTOL - 326)			
30	10/01/2008	FINAL REJECTION			
29	06/23/2008	AFFIDAVIT(S) (RULE 131 OR 132) OR EXHIBIT(S) RECEIVED			
28	07/22/2008	DATE FORWARDED TO EXAMINER			
27	06/23/2008	RESPONSE AFTER NON-FINAL ACTION			
26	03/25/2008	ELECTRONIC REVIEW			
25	03/24/2008	EMAIL NOTIFICATION			
24	03/24/2008	MAIL NON-FINAL REJECTION	207		8
23	03/17/2008	NON-FINAL REJECTION			
16	08/09/2007	PG-PUB ISSUE NOTIFICATION			
15	06/06/2007	CASE DOCKETED TO EXAMINER IN GAU			
14	05/23/2007	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
9	05/15/2007	APPLICATION DISPATCHED FROM OIPE			
8	06/30/2006	371 COMPLETION DATE			
7	05/01/2007	SENT TO CLASSIFICATION CONTRACTOR			
6	05/01/2007	NOTICE OF DO/EO ACCEPTANCE MAILED			
5	06/30/2006	ADDITIONAL APPLICATION FILING FEES			
4	06/30/2006	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			

Search Another: Application#

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

To go back, right click here and select Back. To go forward, right click here and select Forward. To refresh, right click here and select Refresh.

Back to [OASIS](#) | [Home page](#)